IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTYFIRST DAY OF FEBRUARY
TWO THOUSAND AND SEVEN
:PRESENT:

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3320 of 2007

Between:
D. Hanumantha Rao, S/o. Ganapathi Rao,
R/o. 16-5-154, Pogathota, Nellore, Nellore District.

..... Petitioner

AND

1 The Chief Electoral Officer, A.P., Hyderabad.
2 The District Election Officer & District Collector, Nellore District, Nellore.
3 The Electoral Registration Officer, Nellore Assembly Constituency & Revenue Divisional Officer, Nellore, Nellore District.
4 The Returning Officer, Prakasam, Nellore Chittoor Graduates Constituency, Chittoor, Chittoor District.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in imposing a restriction that the Assembly roll for the purpose of filing nominations during the ongoing council elections will be the existing electoral roll of 2006 as illegal, arbitrary, contrary to law and violative of Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondents to allow the petitioner to contest for the office of Member of Legislative Council of Chittoor, Nellore and Prakasam Graduates Constituency.

The petition coming on for hearing, upon perusing the petition and the affidavit filed herein and upon hearing the arguments of SRI K. CHIDAMBARAM, Advocate for the Petitioner and of the Govt. Pleader for GAD for the respondents 1, 3 4 and of Sri V.V.Prabhakar Rao, Advocate for the respondent No.2, the Court made the following:

ORDER: Heard the learned counsel for the petitioner and the learned Government Pleader for General Administration Department, at some length.

The controversy is in a very narrow compass.

The petitioner states that his name was there in the voters'list of Nellore Assembly Constituency, upto 2005, and in the revision of the voters' list, in the year 2006, it was deleted. He contends that on an application made by him on 18-12-2006, his name was included at Sl.No. 563 in Polling Station No.146 of the said constituency. His grievance is that his nomination for the Graduates'Constituency of Chittoor, Nellore and Prakasam of the Andhra

Pradesh Legislative Council, is not being received, on the ground that the corrected voters' list was not published.

In P.T.Rajan V. T.P.M.Sahir and others (2003) 8 SCC 498), the Hon'ble Supreme Court held that the publication of voters' list is only a ministerial act, and if the name of the individual is included in the voters' list, he shall be entitled to exercise corresponding rights irrespective of the fact that whether the list was published or not.

…Contd..

Following the same, there shall be interim direction to the effect that the nomination of the petitioner for the Andhra Pradesh Legislative Graduates Constituency of Chittoor, Nellore and Prakasam Districts of the Andhra Pradesh Legislative Council shall be received in case his name is included in the voters list, irrespective of the fact whether the corrected list was published or not.

Post on 27-02-2007 in M.L.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Chief Electoral Officer, A.P., Hyderabad.
2 The District Election Officer & District Collector, Nellore District, Nellore.
3 The Electoral Registration Officer, Nellore Assembly Constituency & Revenue Divisional Officer, Nellore, Nellore District.
4 The Returning Officer, Prakasam, Nellore Chittoor Graduates Constituency, Chittoor, Chittoor District. (1 to 4 by RPAD)

5.2 CCs to the Govt. Pleader for GAD, High court of A.P.Hyderabad. (O.U.T)

6. One C.C.to Sri K. Chidambaram, Advocate. (OPUXC)

7. One spare copy.

Bsr

HIGH COURT

LNR.J.

DATED 21-02-2007

POST ON 27-02-2007

ORDER

W.P.NO. 3320 OF 2007

INTERIM DIRECTION

BSR
DT. 21-2-2007

HIGH COURT

LNR.J.

DATED 21-02-2007

POST ON 27-02-2007

ORDER

W.P.NO. 3320 OF 2007

INTERIM DIRECTION